

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Burgess et al	)	
		)	
Serial No.:	10/700,439	)	Examiner: S. Long
		)	
Filed:	November 4, 2003	)	Art Unit: 1633
		)	
For:	USE OF DIFFERENTIALLY	)	
	EXPRESSED NUCLEIC ACID	)	
	SEQUENCES AS BIOMARKERS	)	
	FOR CANCER	)	
		)	

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**REQUEST FOR RECONSIDERATION UNDER 37 CFR § 1.116****VIA EFS**

MS AF  
 Commissioner for Patents  
 PO BOX 1450  
 Alexandria, VA 22313-1450

Sir:

**REMARKS**

In view of the following remarks, reconsideration of the outstanding office action is respectfully requested.

Applicants note that the claim rejections under 35 U.S.C. §§ 112 and 102 and for double patenting have been withdrawn.

The rejection of claims 6-7 under 35 U.S.C. §103(a) for obviousness over U.S. Patent Application Publication 20040005644A1 to Su et al. ("Su") in view of U.S. Patent Application Publication 20070010469 to Chan et al. ("Chan") is respectfully traversed.

Su relates to detecting breast cancer. Su does not disclose or suggest methods of detecting colon cancer or a pre-malignant condition thereof. Further, Su does not disclose or suggest comparing expression of a nucleic acid sequence comprising SEQ ID NO:1.

Chan was filed on September 22, 2004 and published on January 11, 2007. The present application was filed on November 4, 2003. Accordingly, Chan is not available as prior art against